S.B. Civil Misc. Appeal No.908/2005

Narendra Singh vs. Lunkaran and others.

Date : 29.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. BS Bohra for Mr.R.Panwar, for the appellant.

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Heard.

In a case of only two injuries, out of which one is simple and another is grievous, the total compensation of Rs.46,200/- has been awarded by the Motor Accident Claims Tribunal (Additional District Judge (Fast Track) NO.4), Jodhpur. The claimant/appellant is aggrieved against low award of the compensation.

According to learned counsel for the appellant, the appellant suffered injury and remained admitted in the hospital thrice for total 29 days. Despite this fact, only Rs.8,700/- has been awarded by the Tribunal by counting loss to the claimant at Rs.300/- per day for keeping an attendant and for special diet. It is also submitted that the claimant suffered grievous injuries and fracture. Despite this fact, the Tribunal has awarded very low compensation of Rs.13,000/- on account of loss of income. It is further submitted that the appellant could not appear in the examinations and he remained under treatment for eight months.

I have considered the submissions of learned counsel for the appellant and perused the facts which are not in dispute.

The appellant suffered only two injuries out of which only one was grievous resulting into one simple fracture in the right leg. The appellant produced medical bills of less than Rs.10,000/- and the Tribunal awarded compensation of Rs.10,000/- on this account. The loss of income calculated by the Tribunal is a way of awarding compensation to the claimant whereas in this case, admittedly, the claimant was a student and he was not getting any income.

In view of the above, I do not find any ground that the compensation of total Rs.46,200/- awarded by the Tribunal is low in any manner looking to the facts of the case.

Accordingly, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya